

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Confirmation No. 2851

Via Facsimile To: 571-273-0052

REPLY BRIEF

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STATUS OF CLAIMS

The status of the claims is as follows:

Allowed Claims:	None
Claims Rejected:	1-18
Claims Appealed:	1-18

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GROUND OF REJECTION

The Examiner's stated Grounds of Rejection is correct.

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RESPONSE TO EXAMINER'S ARGUMENT

The Applicant/Appellant incorporates by reference the arguments previously submitted in these proceedings.

Applicant submits this reply specifically to address the Examiner's assertion on Page 4 of his Answer, that "This blade and blade 36 will drive a fluid since both have thickness." (Emphasis added) The "This blade" the Examiner is referring to is blade 33 of the Spinelli invention (US 6581322). Applicant respectfully submits that just because blade 33 and blade 36 have thickness does not mean that they can or will drive fluid. In order for a blade to be an impeller blade, a blade must have pitch or angle. Neither blade 33 nor blade 36 have any pitch or angle and will not drive a fluid.

Applicant admits that blade 35 of Spinelli does have pitch and could drive a fluid but this brings up the problem of trying to locate this blade 35 within the flat blade 33 of Spinelli as the Examiner's rejection requires which would be impossible in Spinelli's invention as disclosed and described, as Applicant has previously remarked.

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CONCLUSION

For all of the reasons previously submitted and submitted herein, the Applicant submits that the cited references do not in any way teach or suggest the invention set out in Claims 1-18 and thus that Claims 1-18 are not in any way anticipated or obvious in view of these references. Thus, Applicant respectfully requests that the determination by the Examiner that claims 1-18 are not patentable for the reasons given by the Examiner be reversed and the claims allowed.

Respectfully submitted,

J. NEVIN SHAFFER, JR., P.A.

Date: 20 FEB 2006By: 

J. Nevin Shaffer, Jr., Reg. No. 29,858
913 Gulf Breeze Parkway, Suite 43
Gulf Breeze, FL 32561
850-934-4124
Attorney for Appellant

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Reg. No. 29,858, J. Nevin Shaffer, Jr. 